

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FILED

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UNITED STATES OF AMERICA

v.

RICHARD HEATH MARSH

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No. 3:23-cr-

US DISTRICT COURT
EASTERN DIST. TENN.

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JUDGES

Crytzer / Poplin

INDICTMENT

COUNT ONE

The Grand Jury charges that, on diverse dates between on or about August 26, 2021, and January 9, 2023, in the Eastern District of Tennessee and elsewhere, the defendant, RICHARD HEATH MARSH, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18 United States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT TWO

The Grand Jury further charges that, on or about August 18, 2022, in the Eastern District of Tennessee, the defendant, RICHARD HEATH MARSH, did knowingly possess and transfer a machinegun, that is, an Aero Precision, EPC-9, 9mm handgun, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

COUNT THREE

The Grand Jury further charges that, on or about August 18, 2022, in the Eastern District of Tennessee, the defendant, RICHARD HEATH MARSH, did ship, transport, transfer, cause to be transported, or otherwise dispose of a firearm, an Aero Precision,

EPC-9, 9mm handgun, to a recipient in or otherwise affecting commerce, knowing or having reasonable cause to believe that the use, carrying, or possession of the firearm by the recipient would constitute a felony, or did attempt or conspire to do so, in violation of Title 18, United States Code, Section 933(a)(1).

COUNT FOUR

The Grand Jury further charges that, on or about August 18, 2022, in the Eastern District of Tennessee, the defendant, RICHARD HEATH MARSH, knowingly received and possessed a firearm, an Aero Precision, EPC-9, 9mm handgun, not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNT FIVE

The Grand Jury further charges that, on or about August 18, 2022, in the Eastern District of Tennessee, the defendant, RICHARD HEATH MARSH, knowingly and unlawfully transferred a firearm, an Aero Precision, EPC-9, 9mm handgun, to a recipient, that was not registered in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5812, 5861(e), and 5871.

FIREARM-FORFEITURE ALLEGATIONS

The allegations in Count One are re-alleged and incorporated by reference to allege forfeiture under Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

Upon conviction of the offenses in violation of Title 18, United States Code, Sections 922 and/or 924, the defendant, RICHARD HEATH MARSH, shall forfeit to the United States under Title 18, United States Code, Section 924(d)(1) and Title 28, United

States Code, Section 2461(c), any firearms or ammunition involved in or used in the commission of the offense, including, but not limited to, the following:

- a. Colt M4, 5.56mm-caliber carbine;
- b. Mossberg, 12-gauge shotgun;
- c. Armelegant, Ltd AR-T02, 12-gauge shotgun;
- d. Winchester, 12-gauge shotgun;
- e. Winchester, 12-gauge shotgun;
- f. Rexio, S.R.L., RJ22, .22-caliber handgun;
- g. Heritage MFG., Inc., Barkeep, .22-caliber handgun;
- h. Heritage MFG., Inc., Rough Rider, .22-caliber handgun;
- i. Harrington and Richardson handgun;
- j. German Sports Guns, Firefly, .22-caliber handgun;
- k. Unknown shotgun; and
- l. Various ammunition.

Under Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), the defendant shall forfeit substitute property, up to the value of the property subject to forfeiture, if by any act or omission of the defendant, the property, or any portion thereof:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property that cannot be divided without difficulty.

A TRUE BILL:

SIGNATURE REDACTED

GRAND JURY FOREPERSON

FRANCIS M. HAMILTON III
United States Attorney

By:



RUSS SWAFFORD
Assistant United States Attorney